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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,648

09/19/2003

Johann Fischer

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EXAMINER

BOES, TERENCE

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,648	<b>Applicant(s)</b> FISCHER, JOHANN	
	<b>Examiner</b> Terence Boes	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-12 are objected to because of the following informalities: The term "driving" appearing in claims 1, line 1, appears to be an awkward translation.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first bearing spindle being mounted on an eccentric must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. What structure allows for adjustment of the first bearing spindle with respect to the driving pinion (as in claims 1 and 13)? How is the first bearing spindle mounted on an eccentric (as in claims 1 and 13)?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, and 5 recite the limitations "the first driving cable". There is insufficient antecedent basis for these limitations in the claims. The examiner notes claim 1 line 1 recites "a first **driving** cable".

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Claim 12 recites the limitation "the method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 11 and 12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutt US 2001/0035062 in view of Pohl et al. US 5,181,891.

Schutt discloses,

Re clm 1

- A guide tube (18 or 20) at least partly surrounding at least a section of the first driving cable (22 or 24)
- A housing (26,10) supporting the first driving cable in its longitudinal direction
- A driving pinion (14) meshingly engaging with a first portion of the first driving cable
- A first guide wheel (16) supporting the driving cable at a level with the first portion of the first driving cable

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- Wherein the first guide wheel comprises a first bearing spindle defining a first guide wheel axis (see figure 4).

Re clm 2

- Wherein the housing accommodates the first driving cable, and wherein the first guide wheel is secured to the housing (see figs 3, 4)

Re clm 5

- Wherein the driving pinion includes an inlet side (see figure 1, left side) and an outlet side (see figure 1, right side)
- Wherein the first driving cable is at least partly surrounded by a first guide tube portion (left side portion of 18) disposed at the inlet side and by a second guide tube portion disposed at the outlet side (right side portion of 18)

Re clm 11

- Wherein the housing includes an upper housing half (26) and a lower housing half (10)

Re clm 12

- Wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts [product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)].

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Schutt discloses all of the claimed subject matter as described above. Schutt does not disclose a bearing spindle being mounted on an eccentric.

Pohl et al. teach a bearing spindle (26) being mounted on an eccentric (40) for the purpose of actuating a switch, thus enabling motor control (see abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Schutt and provide a bearing spindle being mounted on an eccentric, as taught by Pohl et al., for the purpose of actuating a switch, thus enabling motor control.

The examiner notes the limitation "for adjustment of the first bearing spindle with respect to the driving pinion" is an intended use statement. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus." Therefore, claim 1 is rejected since all claim limitations have been met as disclosed above (see MPEP 2114).

6. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratkowski et al. (US 5,612,600) in view of Finkle (US 4,413,808) and further in view of Pohl et al. US 5,181,891.

Bratkowski et al. disclose

Re clms 1, 13

- A guide tube (44) at least partly surrounding at least a section of the first driving cable (37)

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- A housing (14,16) supporting the first driving cable in its longitudinal direction
- A driving pinion (32) meshingly engaging with a first portion of the first driving cable

Bratkowski et al. do not disclose guide wheels

Finkle teaches guide wheels (50,52,58) for the purpose of improved gripping (C3/L45) and reduced sliding friction thus allowing for more efficient operation.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski et al. and provide guide wheels, as taught by Finkle, for the purpose of improved gripping and reduced sliding friction thus allowing for more efficient operation.

Bratkowski et al. disclose all of the claimed subject matter as described above.

Bratkowski et al. do not disclose a bearing spindle being mounted on an eccentric.

Pohl et al. teach a bearing spindle (26) being mounted on an eccentric (40) for the purpose of actuating a switch, thus enabling motor control and allowing for automated control (see abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski et al. and provide a bearing spindle being mounted on an eccentric, as taught by Pohl et al., for the purpose of actuating a switch, thus enabling motor control and allowing for automated control.



Re clm 2

Bratkowski discloses

- Wherein the housing accommodates the first driving cable (see fig 1)

Finkle also discloses

- Wherein the first guide wheel is secured to the housing (see figs 5,6, guide wheel is secured to housing E2)

Re clm 3

Bratkowski et al. disclose

- A second driving cable (38)

Re clm 4

Bratkowski et al. disclose

- wherein the driving pinion includes a first driving cable inlet side (see fig 7, at left instance of 44)
- a first driving cable outlet side (see fig 7, at left instance of 46)
- a second driving cable inlet side (see fig 7, at right instance of 44)
- a second driving cable outlet side (see fig 7, at right instance of 46)
- a first and a second guide tube portion (see fig 7, left instance of 44 and see fig 7, left instance of 46) at least partially surrounding the first driving cable (37) and disposed, respectively, at the first driving cable inlet side and the first driving cable outlet side
- wherein the device further comprises a third guide tube portion (see fig 7, right instance of 44) and a fourth guide tube portion (see fig 7, right

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instance of 46) at least partially surrounding the second driving cable (38) and disposed, respectively, at the second driving cable inlet side and the second driving cable outlet side.

Re clm 5

- Wherein the driving pinion includes an inlet side and an outlet side
- Wherein the first driving cable is at least partly surrounded by a first guide tube portion disposed at the inlet side and by a second guide tube portion disposed at the outlet side

Re clm 6

- Wherein at least one of the first guide tube portion and the second guide tube portion includes a conical enlargement at an end proximal to the driving pinion (see fig 7, 47)

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Re clm 7

- Wherein the guide tube includes a supporting collar disposed in form-fitting engagement in a recess in the housing and supporting the guide tube in a longitudinal direction (see figs 2,7)

Re clms 8,9,10

Bratkowski does not disclose a bearing bushing.

Finkle teaches a bearing bushing (62) for the purpose of providing a replaceable wear component and rotatably receiving a shaft (C3/L50-55).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide bearing bushing, as taught by Finkle, for the purpose of providing a replaceable wear component and rotatably receiving a shaft.

Bratkowski does not disclose a bearing spindle.

Finkle teaches a bearing spindle (52) for the purpose of rotatably supporting a gear (C3/L35-40), thus reducing friction.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide bearing spindle, as taught by Finkle, for the purpose of rotatably supporting a gear thus, reducing friction.

Bratkowski does not disclose a central circular collar.

Finkle teaches a central circular collar (58) for the purpose of increasing contact pressure (C3/L44-46) with a pulled cable.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Bratkowski and provide a central circular collar, as taught by Finkle, for the purpose of increasing contact pressure with a pulled cable.

Re clm 11

Bratkowski et al. disclose

- Wherein the housing includes an upper housing half (14) and a lower housing half (16)

Re clm 12

- Wherein the housing is selected from the group consisting of cast parts, die cast parts, precision cast parts, forming parts, sheet-metal formed parts and construction parts [product by process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps (see MPEP 2113)]. The housing of Bratkowski is at least construction parts, as broadly recited.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-9 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

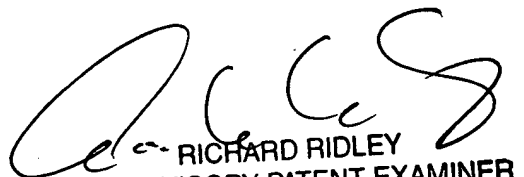
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

1/30/07

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER